

**ZB# 07-29**

**Philip & Marie  
Ingenito**

**52-1-13.6**

07-29

Philip + Maria Ingenito Lucif  
438 Bull Road (52-1-13.6)

ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR  
555 UNION AVENUE  
NEW WINDSOR, N.Y. 12553

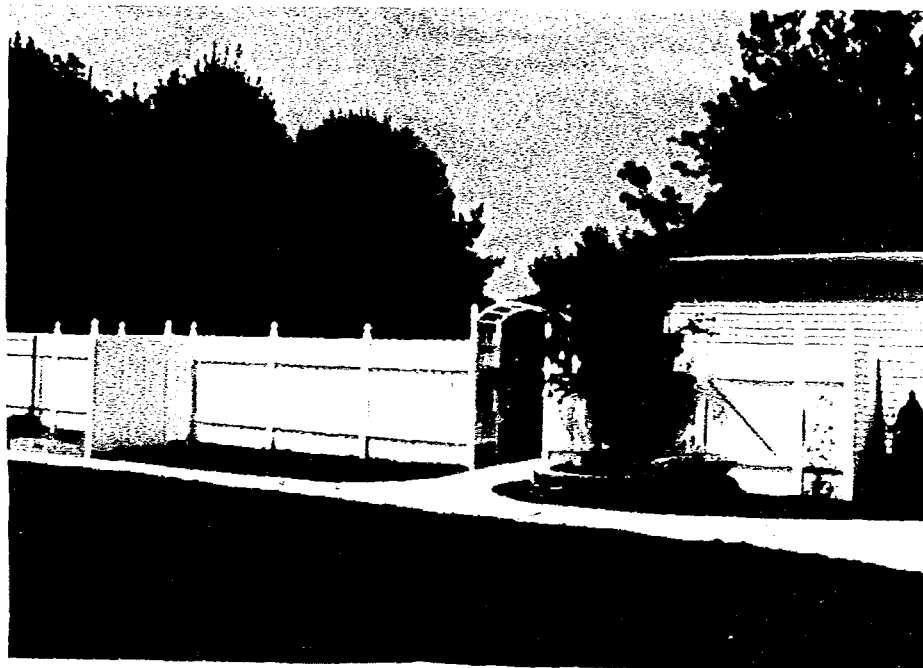
*Granted 7/9/07*

07-29

ADDITION WILL INCLUDE MOST OF THE EXISTING GARAGES BEING  
FINISHED AS WELL AS ADDITIONAL LIVING AREA CONSTRUCTED.  
TWO REPLACEMENT GARAGE BAYS ARE ALSO PROPOSED.



REAR VIEW



-----X  
In the Matter of the Application of

**MARIE & PHILIP INGENITO**

MEMORANDUM OF  
DECISION GRANTING

**AREA VARIANCE**

CASE #07-29  
-----X

**WHEREAS, MARIE & PHILIP INGENITO**, owner(s) of 438 Bull Road, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a request for 25 foot minimum lot width and 4 foot side yard setback and interpretation and/or use variance for single family home with two kitchens for proposed addition to existing home at 438 Bull Road.

**WHEREAS**, a public hearing was held on July 9, 2007 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

**WHEREAS**, the Applicants, Mr. & Mrs. Philip Ingenito appeared on behalf of this Application; and

**WHEREAS**, there were two members of the public present; and

**WHEREAS**, no one spoke in favor of or in opposition to the proposal; and

**WHEREAS**, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

**WHEREAS**, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.
2. The Evidence presented by the Applicant showed that:
  - (a) The property is a one family residence located in a neighborhood of one family residences.
  - (b) The applicant wishes to place an addition on the premises to accommodate housing for elderly family members.
  - (c) With the addition, if allowed, the resulting house will be similar in size and nature to other houses in the neighborhood.

- (d) In constructing the addition the applicants will not remove any tress or substantial vegetation.
- (e) The addition will not be on top of nor will it interfere with any easement including, but not limited to water, sewer and electrical easements.
- (f) The addition will not create the collection or ponding of water or divert the flow of water drainage.
- (g) The applicants will not create separate, rentable apartment. The entire building will be serviced by a single electric meter.
- (h) The applicants acknowledge that the house is a single family house, will remain a single family house, and will be sold as a single family house.

**WHEREAS,** The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance(s).

9. The Premises is a One-Family Dwelling occupied by a single family as defined in the Zoning Law of the New Windsor Town. This is a use allowed by said law.
10. There is a single Dwelling Unit on the premises which contains no cooking or sanitary facilities in common with any other dwelling unit.
11. The existence of more than one "Kitchen" on the premises does not effect its status as a One-Family Dwelling and its use as a Two-Family Dwelling or a Multi-Family Dwelling is expressly prohibited.
12. This decision is not intended to permit and may not be used, cited or interpreted to permit or allow the use of this premises as a Two-Family Dwelling or a Multi-Family Dwelling.

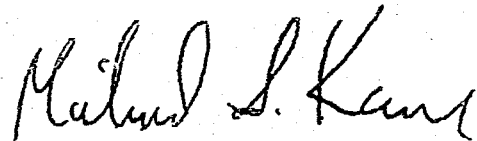
**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for 25 foot minimum lot width and 4 foot side yard setback and interpretation and/or use variance for single family home with two kitchens for proposed addition to existing home at 438 Bull Road as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: July 9, 2007



---

Chairman

**Town of New Windsor**  
555 Union Avenue  
New Windsor, NY 12553  
(845) 563-4611

**RECEIPT**  
**#816-2007**

10/23/2007

Hillside Homes & Development Corp. *ZBA 07-29*

Received \$ 125.00 for Zoning Board Fees, on 10/23/2007. Thank you for  
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

**Deborah Green**  
Town Clerk



# THE SENTINEL

P.O. BOX 406  
VAILS GATE, NY 12584

## Invoice

| Date     | Invoice # |
|----------|-----------|
| 7/9/2007 | 608       |

|   |
|---|
| Bill To   |
| TOWN OF NEW WINDSOR<br>555 UNION AVE<br>NEW WINDSOR, NY 12553 |

| P.O. No. | Terms | Project |
|----------|-------|---------|
|          |       |         |

| Issue Date   | Description                         | Rate         | Amount  |
|--|-------------------------------------|--------------|---------|
| 7/29/2007  | LEGAL ADS: APPEAL NO 07-29 INGENITO | 15.40        | 15.40   |
|  | 1 AFFIDAVIT                         | 4.00         | 4.00    |
| <div data-bbox="418 1239 750 1479" data-label="Image"><p>RECEIVED<br/>JUL 18 2007<br/>By _____</p></div> |                                     |              |         |
|  |                                     | <b>Total</b> | \$19.40 |



**PUBLIC HEARING  
NOTICE  
ZONING BOARD OF  
APPEALS  
TOWN OF NEW  
WINDSOR**

PLEASE TAKE NOTICE  
that the Zoning Board of  
Appeals of the TOWN OF  
NEW WINDSOR, New York,  
will hold a Public Hearing on  
the following Proposition:

Appeal No. (07-29)

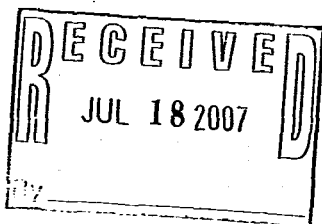
Request of MARIE &  
PHILIP INGENITO

for a VARIANCE of the  
Zoning Local Law to Permit:

Request for 25 ft. Minimum  
Lot Width and; 4 ft. Side Yard  
Setback and; Interpretation  
and/or use variance for single  
family home with two kitchens  
for proposed addition to  
existing home at 438 Bull Road  
in an R-1 Zone (52-1-13.6).

PUBLIC HEARING will  
take place on JULY 9, 2007 at  
the New Windsor Town Hall,  
555 Union Avenue, New  
Windsor, New York beginning  
at 7:30 P.M.

Michael Kane, Chairman



State of New York

County of Orange, ss:

Kathleen O'Brien being duly sworn  
disposes and says that she is  
the Supervisor of Legal Dept. of the  
E.W. Smith Publishing Company; Inc.,  
Publisher of The Sentinel, a weekly  
newspaper published and of  
general circulation in the Town of New  
Windsor, Town of Newburgh and City  
of Newburgh and that the notice of which  
the annexed is a true copy was published  
in said newspaper, 1 time (s)  
commencing on  
the 29th day of June A.D., 2007  
and ending on the 29th day of  
June A.D. 2007.

*Kathleen O'Brien*

Subscribed and shown to before me  
this 18<sup>th</sup> day of July, 2007.

*Deborah Green*

Notary Public of the State of New York  
County of Orange.

DEBORAH GREEN  
Notary Public, State of New York  
Qualified in Orange County  
#4984065  
Commission Expires July 15, 2011

My commission expires \_\_\_\_\_.

# Town of New Windsor

Town Hall  
555 Union Ave.

New Windsor, NY 12553

TEL: 845-563-4623 / FAX: 845-563-4697

## PURCHASE ORDER

49883

SENTIN

|                           |           |
|---------------------------|-----------|
| DATE                      | 6/25/2007 |
| PAGE NO.                  | 1         |
| CHECK NO.                 |           |
| TAX EXEMPT NO. 14-6002338 |           |

**SIGN & RETURN TO ADDRESS ABOVE**

| VENDOR   | SHIP TO  |
|--|--|
| THE SENTINEL<br>THE E.W. SMITH PUBLISHING CO, INC.<br>PO BOX 406<br>VAILS GATE, NY 12584 | Zoning Department<br>Town of New Windsor<br>555 Union Avenue<br>New Windsor, NY 12553-6140<br>Attn: Myra Mason |

SPECIAL INSTRUCTIONS

MM

| ITEM NO. | ITEM DESCRIPTION                                      | QUANTITY | UNIT PRICE | AMOUNT |
|----------|---|----------|------------|--------|
| 1        | PUB HEAR NOTCE:6/29 INGENITO<br>10-1010-101620-4-4173 | 1        | 20.00      | 20.00  |

**NO ORDER VALID UNLESS SIGNED BELOW**

**TOTAL** 20.00

DEPARTMENT DIRECTOR

BUSINESS ADMINISTRATOR

### DEPARTMENTAL CERTIFICATION

I, having knowledge of the facts, certify that the materials and supplies have been received or the services rendered; said certification being based on signed delivery slips or other reasonable procedures.

SIGNATURE

DATE

COMPROLLER

### VENDOR CERTIFICATION AND DECLARATION

I do solemnly declare and certify under the penalties of the law that the within bill is correct in all its particulars; that the articles have been furnished or services rendered as stated therein; that no bonus has been given or received by any person or persons within the knowledge of this claimant in connection with the above claim; that the amount therein stated is justly due and owing; and that the amount charged is a reasonable one.

X

VENDOR SIGN HERE

NAME (PRINT OR TYPE)

OFFICIAL POSITION

VENDOR SOCIAL SECURITY NO. OR TAX I.D. NO.

**VENDOR - SIGN AT X AND RETURN WITH INVOICE**

**OFFICE OF THE BUILDING INSPECTOR  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK**

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO  
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

**DATE: April 3, 2007**

**APPLICANT: Philip Ingenito  
438 Bull Road  
Rock Tavern, NY 12575**

**PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: March 29, 2007**

**FOR : Proposed addition**


**LOCATED AT: 438 Bull Road**

**ZONE: R-1 Sec/Blk/ Lot: 52-1-13.6**

**DESCRIPTION OF EXISTING SITE: One family house**

**IS DISAPPROVED ON THE FOLLOWING GROUNDS:**

- 1. Proposed addition will create a two family house, and also will not meet minimum sideyard set-back.**

  
BUILDING INSPECTOR

|                                   | PERMITTED  | PROPOSED OR<br>AVAILABLE: | VARIANCE<br>REQUEST:  |
|-----------------------------------|------------|---------------------------|-----------------------|
| ZONE: R-1    USE: A-5 Bulk Tables | One family | Two family                | One additional family |
| MIN LOT AREA:                     |            |                           |                       |
| MIN LOT WIDTH            D-5      | 175'       | 150'                      | 25'                   |
| REQ'D FRONT YD:                   |            |                           |                       |
| REQ'D SIDE YD:            F-5     | 20'        | 16'                       | 4'                    |
| REQ'D TOTAL SIDE TD:              |            |                           |                       |
| REQ'D REAR YD:                    |            |                           |                       |
| REQ'D FRONTAGE:                   |            |                           |                       |
| MAX BLDG HT:                      |            |                           |                       |
| FLOOR AREA RATIO:                 |            |                           |                       |
| MIN LIVABLE AREA:                 |            |                           |                       |
| DEV COVERAGE:                     |            |                           |                       |

**FILE COPY**

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS  
IMPORTANT  
MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway pond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and para test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

MAR 29 2007

FOR OFFICE USE ONLY:  
Building Permit #: 2007-191

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS  
REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises PHILIP & MARIA INGENITO

Address 438 BULL ROAD, ROCK TAVERN

Phone # 496-2450

Mailing Address SAME

Fax # 497-2206

Name of Architect N/A

Address \_\_\_\_\_

Phone \_\_\_\_\_

Name of Contractor N/A

Address \_\_\_\_\_

Phone \_\_\_\_\_

State whether applicant is owner, lessee, agent, architect, engineer or builder OWNER

If applicant is a corporation, signature of duly authorized officer \_\_\_\_\_  
(Name and title of corporate officer)

1. On what street is property located? On the EAST side of BULL ROAD  
(N, S, E or W)  
and APX 1/2 MILE SOUTH feet from the intersection of ROUTE 207

2. Zone or use district in which premises are situated R2 Is property a flood zone? Y N X

3. Tax Map Description: Section 52 Block 1 Lot 13.6

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy SINGLE FAMILY b. Intended use and occupancy MOTHER/DAUGHTER

5. Nature of work (check if applicable) ☐ New Bldg. ☒ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other

6. Is this a corner lot? NO

7. Dimensions of entire new construction. Front \_\_\_\_\_ Rear \_\_\_\_\_ Depth \_\_\_\_\_ Height \_\_\_\_\_ No. of stories \_\_\_\_\_

8. If dwelling, number of dwelling units: 1 Number of dwelling units on each floor NA

Number of bedrooms 1 Baths 1 Toilets 1 Heating Plant: Gas \_\_\_\_\_ Oil xx  
Electric/Hot Air xx Hot Water \_\_\_\_\_ If Garage, number of cars 1

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use \_\_\_\_\_

10. Estimated cost NA

**PAID**

#2753

**ZONING BOARD**

APPLICATION FOR BUILDING PERMIT  
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK  
Pursuant to New York State Building Code and Town Ordinances

date

date

**APPLICATION FOR BUILDING PERMIT**  
**TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK**  
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock  
Asst. Inspectors: Frank Liel & Louis Kryshear  
New Windsor Town Hall  
855 Union Avenue  
New Windsor, New York 12553  
(845) 863-4818  
(845) 863-4888 FAX

Bldg Insp Examined \_\_\_\_\_  
Fire Insp Examined \_\_\_\_\_  
Approved \_\_\_\_\_  
Disapproved \_\_\_\_\_  
Permit No. \_\_\_\_\_

**INSTRUCTIONS**

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, place or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

  
(Signature of Applicant)

  
(Owner's Signature)

438 Bull Rd  
(Address of Applicant)

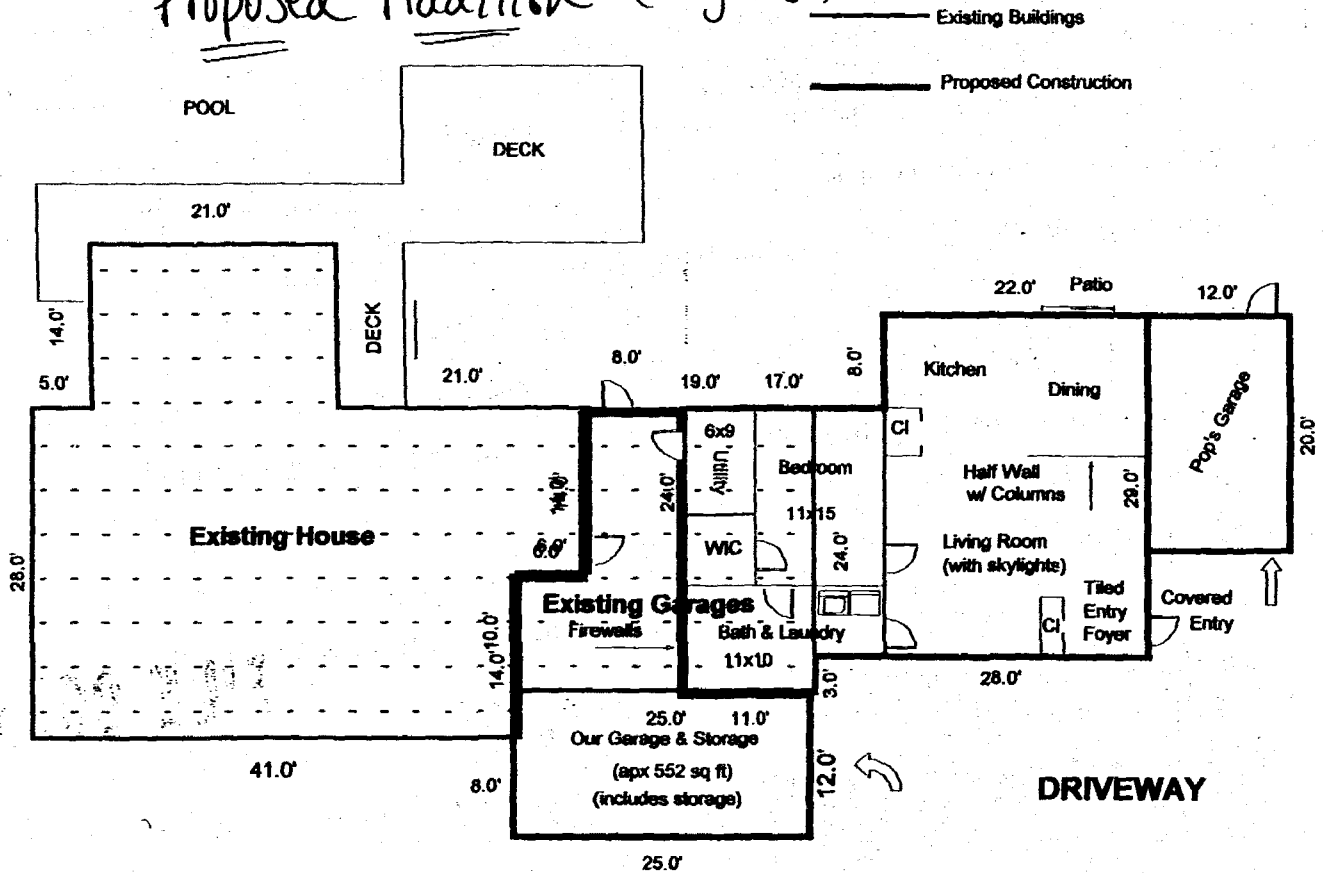
438 Bull Rd  
(Owner's Address)

PLOT PLAN

**NOTE:**

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.

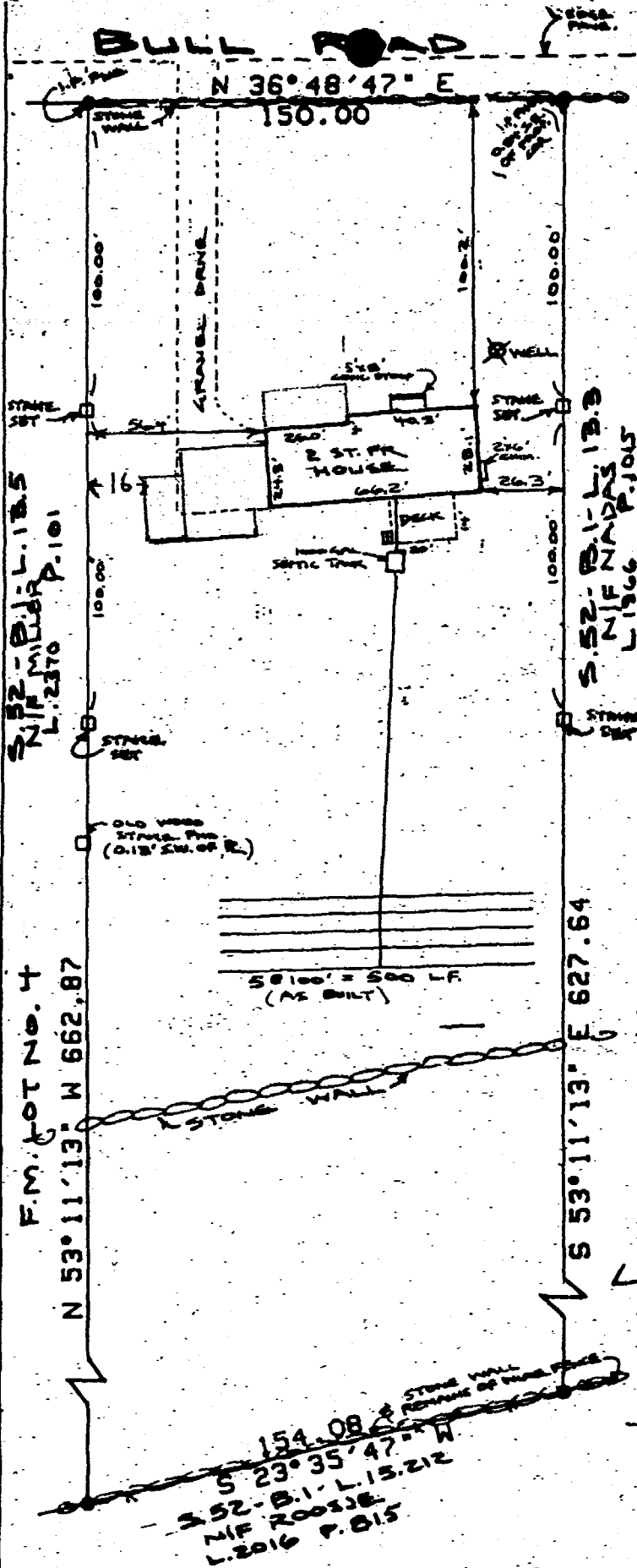
# Proposed Addition (very rough)



NOTED BY THE BOARD

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS  
IMPORTANT





## ZONING DATA

DISTRICT: R-1

MIN. LOT AREA = 1 AC.  
 MIN. LOT WIDTH = 125'  
 MIN. FRONT YARD = 45'  
 MIN. SIDE YARD = 20'/40'  
 MIN. REAR YARD = 50'

## SEPTIC NOTES

- 1) PERL. TEST TAKEN 7-13-87  
 RESULT: 1" DROP IN 24 MIN.
- 2) PER N.Y.S. DEPT HEALTH  
 STANDARDS:  
 3 BDRM. HSE REQ: 375 L.F.  
 4 BDRM. HSE REQ: 500 L.F.  
 PROVIDED: 510 L.F.  
 AS BUILT: 500 L.F.

## - SURVEY - - PLOT & PLAN - FOR

QUALITY BUILDERS OF THE  
 COUNTY OF ORANGE, INC.

## MAP REF.

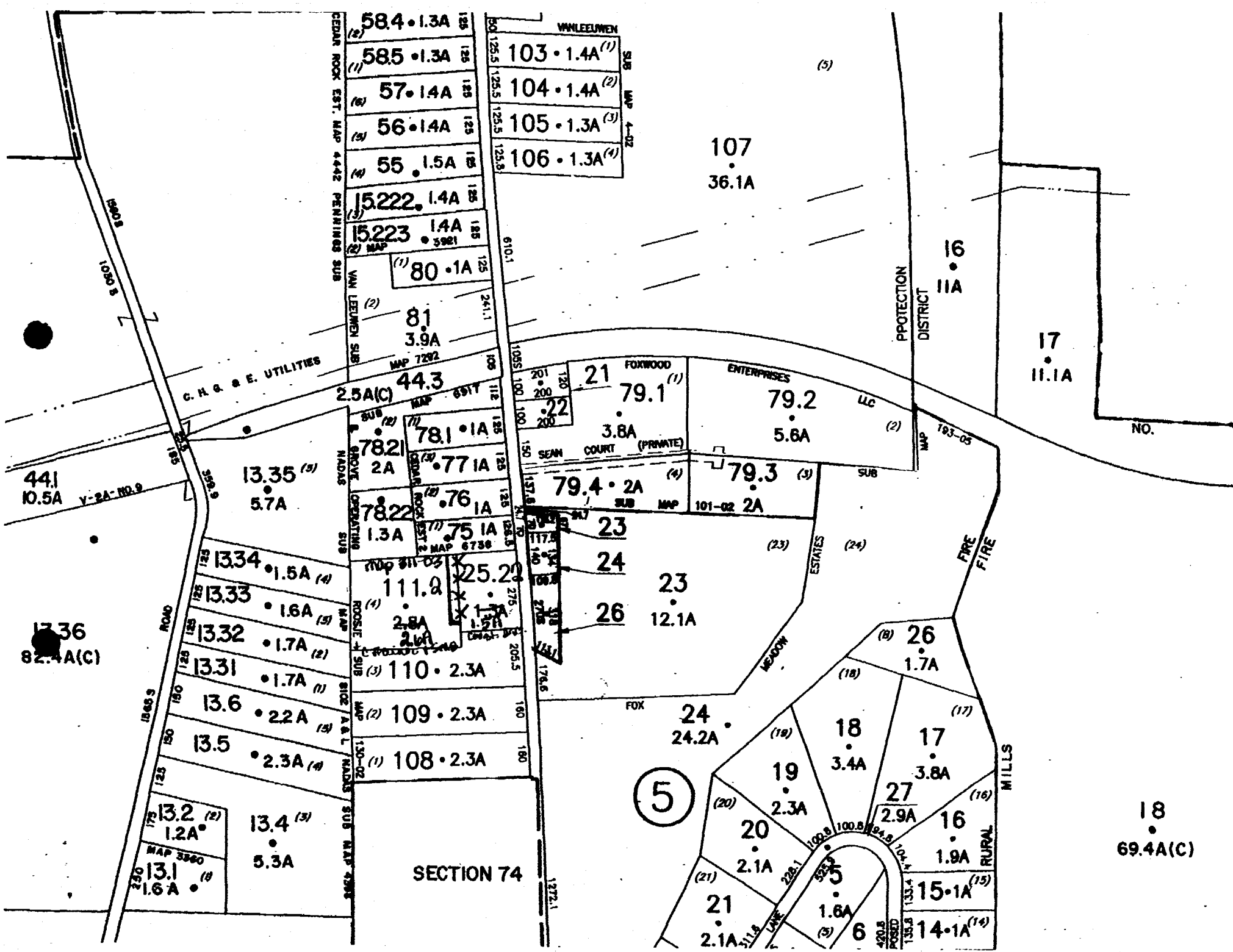
LOT NO. 5 ON A MAP  
 ENTITLED "SUBDIVISION OF  
 LANDS OF ARTHUR NADAS &  
 LINDA RAHL NADAS," TOWN  
 OF NEW WINDSOR, ORANGE CO.,  
 NEW YORK; FILED IN THE O.C.C.O.  
 AS MAP NO. 4398 ON 1-26-78.

CERTIFIED TRUE & CORRECT TO:  
 ANTHONY J. MULLIO  
 NANCY A. MULLIO  
 AMERICAN TITLE INSURANCE  
 COMPANY  
 TRAVELERS MORTGAGE  
 SERVICES INC., ITS SUCCESSIONS  
 AND/OR ASSIGNS

GERALD ZIMMERMAN P.L.S. LIC. NO. 49410 P.E. LIC. NO. 47391  
 SUBJECT TO COVENANTS, EASEMENTS & RESTRICTIONS OF RECORD IF ANY

1"=50'

*Gerald Zimmerman*



**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
OFFICE  
845-563-4615**

**MEMORANDUM**

**TO: JACK FINNEGAN, COMPTROLLER**  
**FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD**  
**DATE: NOVEMBER 8, 2007**  
**SUBJECT: ESCROW REFUND**

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 133.60 TO CLOSE OUT  
ESCROW FOR:**

**ZBA FILE #07-29**

**NAME & ADDRESS:**

**Philip & Maria Ingenito  
438 Bull Road  
Rock Tavern, NY 12575**

**THANK YOU,**

**MYRA**

**J.F.11/08/07**



**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
RECORD OF CHARGES & PAYMENTS**



FILE #07-29  
5617

TYPE: INTERP. AND/OR VARIANCE

TELEPHONE: 591-

**APPLICANT:**

Philip & Maria Ingenito  
438 Bull Road  
Rock Tavern, NY 12575

|                |           |             |
|----------------|-----------|-------------|
| RESIDENTIAL:   | \$ 50.00  | CHECK #0094 |
| COMMERCIAL     | \$ 150.00 | CHECK #     |
| INTERPRETATION | \$ 150.00 | CHECK #     |

ESCROW: RESIDENTIAL \$300.00 CHECK #0093



| <u>DISBURSEMENTS:</u> | <u>MINUTES</u>       | <u>ATTORNEY</u> |
|-----------------------|----------------------|-----------------|
|                       | <u>\$7.00 / PAGE</u> | <u>FEE</u>      |

|                              |            |       |                 |                 |
|------------------------------|------------|-------|-----------------|-----------------|
| PRELIMINARY:                 | <u>7</u>   | PAGES | \$ <u>49.00</u> | \$ <u>35.00</u> |
| 2 <sup>ND</sup> PRELIMINARY: | <u>   </u> | PAGES | \$ <u>   </u>   | \$ <u>   </u>   |
| PUBLIC HEARING:              | <u>4</u>   | PAGES | \$ <u>28.00</u> | \$ <u>35.00</u> |
| PUBLIC HEARING:              | <u>   </u> | PAGES | \$ <u>   </u>   | \$ <u>   </u>   |

LEGAL AD: Publish Date: 07-29-07 \$ 19.40

|        |                 |                 |
|--------|-----------------|-----------------|
| TOTAL: | \$ <u>96.40</u> | \$ <u>70.00</u> |
|--------|-----------------|-----------------|



ESCROW POSTED: \$ 300.00  
LESS: DISBURSEMENTS: \$ 166.40

AMOUNT DUE: \$    

REFUND DUE: \$ 133.60

Cc:

J.F. 11/08/07

June 11, 2007

16

MARIA\_ & PHILIP\_INGENITO\_(07-29)

---

MR. KANE: Request for 25 foot minimum lot width and 4 foot side yard setback and interpretation and/or use variance for single family home with two kitchens for proposed addition to existing home at 438 Bull Road. Evening, just your name please and speak loud enough for this young lady to hear you.

MRS. INGENITO: Maria, M-A-R-I-A Ingenito, I-N-G-I-N-I-T-O.

MR. LUNDSTROM: Is that spelled incorrectly?

MRS. INGENITO: Yes, you have Mary and it's Maria. We're looking for an area variance to add an accessory apartment onto our home for my in-laws, the side setbacks will be affected for a 4 foot variance, it would be occupied only by my in-laws. They need our help at this point and they're here.

MR. KANE: What we usually try to do with the second kitchen and what they used to call like a mother daughter type thing is actually get it on record that there's absolutely no intent to use this as a rental or that it will be rented out so everything we do will be geared to getting your statement on record that it's not going to be used that way. We'll deal with first with the addition itself, cutting down any substantial vegetation or trees in the building of it?

MRS. INDENITO: Not at all.

MR. KANE: Creating any water hazards or runoffs?

MRS. INDENITO: Not at all.

MR. KANE: Any easements going through the area where the addition is going to be?

June 11, 2007

17

MRS. INDENITO: Not at all. We'll be drilling a new well and upgrading the septic.

MR. KANE: And as far as the two kitchens and the single family will the home be on one--

MS. LOCEY: Electric meter.

MR. KANE: Thank you, one gas or electric meter?

MRS. INDENITO: There's no gas but we'd prefer just to have separate utilities just for simplicity if that's possible.

MR. KANE: We usually try to keep that under one because that keeps it away from being used as a separate apartment so that's something we kind of lean towards on that one.

MRS. INDENITO: We'll have to work around that then they'll have their own furnace and heating system, AC and all that.

MR. KANE: Yeah, that's something that we're, usually we like to see happen with these things cause it really kind of keeps it altogether instead of being used as an apartment.

MRS. INDENITO: Okay.

MR. KANE: Any further questions on this?

MR. LUNDSTROM: I have none, Mr. Chairman.

MR. BABCOCK: Can I just say one thing on this? The one thing that the applicant should understand is that if it's two separate units and it's considered to be a two-family house they need a use variance which is difficult.

MR. KANE: Probably almost impossible. Basically what a use variance comes down to is that first of all it can't be self-created which really knocks everything out of the bag. The other thing is that the property itself can't be sold for the existing use and that doesn't mean at a profit, that means for a reasonable return. So even if you took a loss on the house you would have to prove to us you couldn't sell your home as a single-family home for any amount of money basically to get a use variance totally different from an area variance. We'll let the lawyer talk.

MRS. INDENITO: Please do.

MR. KRIEGER: The difference is this, if you're talking about what in essence an addition to a one-family house that's an area variance it's much easier to get, there are certain criteria that the board will ask about to make sure that that's going to be the case. If you're talking about a completely separate unit now you're talking about converting your single-family house into a two-family house and since two-family houses are not an allowed use in that zone you would need a use variance, a variance permitting you to use your property in a way not permitted under the rules of the zone. As the chairman indicated, getting a use variance because of the state has been now very difficult, you have to meet some very high standards to do that. And what the board is concerned about with having an addition is making sure that there's no rentable unit afterwards so that life being the way it is, it goes on and the next people who own it can't say oh well, just this is wonderful now we have a house with a rentable unit and we can rent it on the side, now all these people who thought they were living in a one family neighborhood now have a two-family house in there which isn't fair to the rest of the people in the neighborhood. So their concerns with respect to the single meter, you're going to be asked about internal lockable doors, lockable doors and this is always in

their interest to make sure that it is not a separate unit, it can later be rented out either by yourself or somebody else when the current need no longer exists. Under the zoning law as it exists in New Windsor if you are to expand your house to have your parents or your in-laws or some family members live there that's fine, you can, one family can be as big as one family is, it's the ability to have a unit that later on you can use to rent to strangers and a commercial proposition that they're concerned about and the board is concerned about its existence long after the members, these members of the board are no longer on this board and the people involved are no longer here, the property will still be here.

MRS. INDENITO: But if we created and designed it so there's easy access to the apartments in between the two that's a major criteria, right?

MR. BABCOCK: There's really not two apartments, that's what you have to stop saying, what you're doing is you're actually creating a single family house, you're putting an addition on your house with another kitchen so you're going to have two kitchens in your house.

MRS. INDENITO: What do I call it?

MR. BABCOCK: Additional area.

MR. KRIEGER: New portion of the existing house.

MR. LUNDSTROM: One of the concerns I have is that between on the plan looking at the back of the plan between the existing house and the proposed addition there's an area that's been marked off with fire walls saying existing garage.

MRS. INDENITO: That was drawn up before we realized this and so we're, we asked the architect who's working on the plans now to incorporate some kind of a



June 11, 2007

20

pass-through that we can get to so it won't be a--

MR. LUNDSTROM: So the two are one, not two separate entities but one?

MRS. INDENITO: It will be more, we're trying to keep some of our garage space in this area our storage area cause I'm losing my two bay garage, I'm going to try to add one for us and one for my in-laws but we never use the two bays, we only use one, the rest was for storage.

MR. LUNDSTROM: Looks like this thing on the bottom is what you're currently using as the garage line?

MRS. INDENITO: That would be the additional garage that we're trying to add because we're trying, taking away most of it for the living area.

MR. LUNDSTROM: Convert that into a utility room?

MRS. INDENITO: Yes, just for storage.

MR. LUNDSTROM: On the plans you may want to call it that that might make it easier.

MRS. INDENITO: If it's a storage area in between the two areas.

MR. KANE: Right and has to be free access to both sections of the home.

MRS. INDENITO: Okay.

MR. BABCOCK: So if you can live with those conditions then you should go on for an interpretation of having a single family house with two kitchens. If you can't live with those conditions of no separate utilities and basically when you come in your front door you're able to go throughout the house, there's no lockable doors

June 11, 2007

21

that keep you from one area to another that's fine, if not, you need a use variance for two-family house so that's the difference.

MRS. INDENITO: So if I draw it up this way with the access I don't need a use variance?

MR. BABCOCK: That's correct.

MRS. INDENITO: That would be much easier.

MR. BABCOCK: Yes.

MR. KANE: And what's going to happen is that we, you know, we'll go and vote on the lot width and the side yard setback and then we'll go forward to the interpretation which is basically getting you under oath on record stating what the use of that mother daughter is going to be that it's for family, it's not going to be a rentable unit, that kind of stuff and that will all be again on record.

MRS. INDENITO: That's fine, we don't want tenants.

MR. KANE: No, we just like to explain it. I'll accept a motion if there's no further questions.

MR. LUNDSTROM: I'll offer a motion to schedule a public hearing on the application of Maria and Philip Ingenito's request for 25 foot minimum lot width and 4 foot side yard setback and interpretation for single family home with two kitchens with proposed addition to existing home on 438 Bull Road in an R-1 zone.

MS. LOCEY: I'll second that motion.

ROLL CALL

|               |     |
|---------------|-----|
| MR. LUNDSTROM | AYE |
| MS. LOCEY     | AYE |

June 11, 2007

22

MR. TORPEY  
MR. KANE

AYE  
AYE

MARIA\_&\_PHILIP\_INGENITO\_(07-29)

---

MR. KANE: Request for 25 foot minimum lot width and 4 foot side yard setback and interpretation and/or use variance for single family home with two kitchens for proposed addition to existing home at 438 Bull Road.

Mr. and Mrs. Philip Ingenito appeared before the board for this proposal.

MR. KANE: Hi, tell us what you want to do.

MRS. INGENITO: It's Maria Ingenito.

MR. INGENITO: Phil Ingenito.

MRS. INGENITO: We have a single family home on Bull Road and we're seeking a 4 foot variance so that we can add some additional living area for our, my elderly in-laws, his elderly parents that are in need of extra help at this point. We did look to purchase an existing home with an in-law setup but we couldn't find something that was suitable. So at this point, this appears to be the best option to do the construction. We want to add about a thousand square foot of living area to the south side of our home which would include what's now our garages and would go across what's now the end of the driveway. Apparently, it will get a little close to my neighbor's property line, however, there will be no windows on that side. There's an existing hedge of trees that won't be disrupted at all so the privacy factor is still there. My neighbor on that side is actually here with us. We also want to add a second kitchen to the area so they can have their independence while still being in close proximity to us so that we can help them out. The addition won't change the character of the neighborhood nor will the construction cause any neighboring properties any inconvenience.

MR. KANE: Somebody did their homework.

MRS. INGENITO: The construction will be done professionally, it will be landscaped, the driveway's going to be redone, we're going to break up the length of it cause it's going to be pretty long but we're going to break it up. We have one tree that's not going to be touched, maybe one more tree to break it up so it's not visually so long and it will be done in line with the existing house. There's no foreseeable negative conditions which would be created by the approval of this addition, however, a handicap would be created for us if it is not.

MR. KANE: Thank you. Seriously, Mike, minimum lot width, it's an existing home, why is that even coming up?

MR. BABCOCK: It's the new zoning, Mr. Chairman, and we're clearing it up only because they're here, they wouldn't be here for that only.

MR. KANE: I just wanted to make that point. And the 4 foot side yard is going to be because of the addition going onto the existing home right now?

MR. BABCOCK: That's correct.

MR. KANE: Cutting down any trees, substantial vegetation in the building of the addition?

MRS. INGENITO: None at all.

MR. KANE: Creating any water hazards or runoffs?

MRS. INGENITO: None at all.

MR. KANE: Any easements running through the area where the addition is going to go?

July 9, 2007

37

MR. INGENITO: No.

MR. KANE: Will the addition make the home too big for the neighborhood?

MRS. INGENITO: No.

MR. KANE: As far as the interpretation for the two kitchens this is to be put on record there's no intention to make this a usable apartment or rentable apartment?

MRS. INGENITO: Absolutely not.

MR. KANE: There will be access through the inside of the home?

MRS. INGENITO: Yes.

MR. KANE: So that other portion--

MRS. INGENITO: Yes.

MR. KANE: And that with the second kitchen the electric and the gas is all going to be on one meter?

MRS. INGENITO: There's no gas but the electric will be.

MR. BABCOCK: Mr. Chairman, one more thing, it's going to be a single-family home with two kitchens?

MRS. INGENITO: Yes.

MR. KRIEGER: It is now a single family home, it will always be a single-family home and you'll sell it as a single family home?

MR. INGENITO: Absolutely.

July 9, 2007

38

MR. KANE: Okay, at this point, we'll open it up to the public and ask if anybody's here for this meeting? Just state your name and whatever it is you want to say.

MR. BERLINGIERI: Al Berlingieri, 432 Bull Road, next door neighbor, they're going to be coming towards my property, I have no problem.

MR. KANE: Thank you very much.

MS. REHNS: Shannon Rehns (phonetic), 458 Bull Road and my husband and I received a letter, we have no problem whatsoever with it.

MR. KANE: Thank you very much. We'll close the public portion and ask Myra how many mailings we had.

MS. MASON: On June 26, I mailed out 22 addressed envelopes and had no response.

MR. KANE: Any further questions from the board? I'll accept a motion.

MS. LOCEY: I'll offer a motion on the application of Maria and Phillip Ingenito to grant their request for a 25 foot minimum lot width and 4 foot side yard setback and to interpret the use of their home as a single family dwelling with two kitchens all for a proposed addition to an existing home at 438 Bull Road in an R-1 zone.

MR. TORPEY: I'll second that.

ROLL CALL

MS. GANN                    AYE

MR. LUNDSTROM            AYE

MS. LOCEY                AYE

MR. TORPEY               AYE

MR. KANE                 AYE



**RESULTS OF Z.B.A. MEETING OF:**

July 2007

**PROJECT:** Maria Ingenito

**ZBA #** 07-29

**P.R.#**

**USE VARIANCE:**

**NEED: EAF**

## PROXY

LEAD AGENCY: M) S) VOTE: A N

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_

CARRIED: Y\_\_\_N\_\_\_

**PUBLIC HEARING: M)\_\_\_\_\_S)\_\_\_\_\_ VOTE: A\_\_\_\_\_N\_\_\_\_\_**

GANN  
LUNDSTROM  
LOCEY  
TORPEY  
KANE

CARRIED: Y N

NEGATIVE DEC: M) S) VOTE: A N

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_

CARRIED: Y N

APPROVED: M)        S)        VOTE: A        N       

GANN  
LUNDSTROM  
LOCEY  
TORPEY  
KANE

CARRIED: Y N

**ALL VARIANCES - PRELIMINARY APPEARANCE:**

**SCHEDULE PUBLIC HEARING:** M)\_\_\_ S)\_\_\_ VOTE: A\_\_\_ N\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_

CARRIED: Y N

**PUBLIC HEARING:** STATEMENT OF MAILING READ INTO MINUTES ✓  
**VARIANCE APPROVED:** M) L2 S) I VOTE: A 5 N 0.

|           |   |
|-----------|---|
| GANN      | A |
| LUNDSTROM | A |
| LOCEY     | A |
| TORPEY    | A |
| KANE      | A |

**CARRIED: Y ☒ N**

|                |         |            |
|----------------|---------|------------|
| Al Burlingieri | Bull Rd | - In favor |
| Shannon Rex    | Bull Rd | - In favor |



ZBA #07-29

**Town of New Windsor**  
555 Union Avenue  
New Windsor, NY 12553  
(845) 563-4611

**RECEIPT**  
**#436-2007**

06/12/2007

**Ingenito, Maria & Philip**

**Received \$ 50.00 for Zoning Board Fees, on 06/12/2007. Thank you for  
stopping by the Town Clerk's office.**

**As always, it is our pleasure to serve you.**

**Deborah Green**  
**Town Clerk**

**AFFIDAVIT OF MAILING**

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR  
COUNTY OF ORANGE: STATE OF NEW YORK**

-----X

In the Matter of the Application for Variance of

MARIE & PHILIP INGENITO

AFFIDAVIT OF  
SERVICE  
BY MAIL

#07-29

X

STATE OF NEW YORK )

) SS:

COUNTY OF ORANGE )

MYRA L. MASON, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 131 Mt. Airy Road, New Windsor, NY 12553.

That on the 26TH day of JUNE, 2007, I compared the 22 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason  
Myra L. Mason, Secretary

26<sup>th</sup> day of June, 2007

J. Gallagher  
Notary Public

JENNIFER GALLAGHER  
Notary Public, State of New York  
No. 01GA6050024  
Qualified in Orange County  
Commission Expires 10/30/10

**PUBLIC HEARING NOTICE**  
**ZONING BOARD OF APPEALS**  
**TOWN OF NEW WINDSOR**

**PLEASE TAKE NOTICE** that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

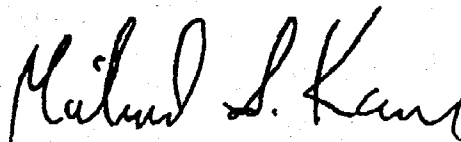
**Appeal No. (07-29)**

**Request of MARIE & PHILIP INGENITO**

**for a VARIANCE of the Zoning Local Law to Permit:**

**Request for 25 ft. Minimum Lot Width and; 4 ft. Side Yard Setback and;  
Interpretation and/or use variance for single family home with two kitchens for  
proposed addition to existing home at 438 Bull Road in an R-1 Zone (52-1-13.6).**

**PUBLIC HEARING will take place on JULY 9, 2007 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 P.M.**



---

**Michael Kane, Chairman**



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4631  
Fax: (845) 563-3101

## Assessors Office

June 20, 2007

Philip & Maria Ingenito  
438 Bull Road  
Rock Tavern, NY 12575

Re: 52-1-13.6      ZBA#: 07-29 (22)

Dear Mr. & Mrs. Ingenito:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$45.00 minus your deposit of \$25.00.

Please remit the balance of \$20.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO  
Sole Assessor

JTW/lrd  
Attachments

CC: Myra Mason, Zoning Board

52-1-13.1

Albert Hinck & Vance Stout  
Attn: Vance Hinck  
408 Bull Road  
Rock Tavern, NY 12575

52-1-108

John & Cynthia Delavalle  
393 Toleman Road  
Rock Tavern, NY 12575

74-2-2

Victor & Alina Gil  
7 Little Brook Court  
Rock Tavern, NY 12575

52-1-13.2

Ardley & Donna Morse  
418 Bull Road  
Rock Tavern, NY 12575

52-1-109

Jeffrey & Quacey Balleste  
395 Toleman Road  
Rock Tavern, NY 12575

74-2-3

Francis & Leslie Kennedy  
5 Little Brook Court  
Rock Tavern, NY 12575

52-1-13.31

Thomas & Christine Orbacz  
444 Bull Road  
Rock Tavern, NY 12575

52-1-110

Matthew & Kelly Ann Hanna  
1 Roosje Lane  
Rock Tavern, NY 12575

52-1-13.32

Thomas & Regina Sgro  
450 Bull Road  
Rock Tavern, NY 12575

52-1-111.2

Ronald & Alicia Houston  
4 Roosje Lane  
Rock Tavern, NY 12575

52-1-13.33

Matthew & Shannon Renz  
Patricia Voorhis  
458 Bull Road  
Rock Tavern, NY 12575

74-1-8

Michael & Delise Calvente  
12 Little Brook Court  
Rock Tavern, NY 12575

52-1-13.34

Ruth Gita Nadas  
502 Bull Road  
Rock Tavern, NY 12575

74-1-9

Joseph & Kum-Cha Natale  
10 Little Brook Court  
Rock Tavern, NY 12575

52-1-13.35 & 52-1-13.36

Arthut & Linda Rahl Nadas  
506 Bull Road  
Rock Tavern, NY 12575

74-1-10

Mark & Barbara Rubin  
8 Little Brook Court  
Rock Tavern, NY 12575

52-1-13.4

Richard & Frances DiDonato  
426 Bull Road  
Rock Tavern, NY 12575

74-1-11

Charles & Adelle Berkman  
6 Little Brook Court  
Rock Tavern, NY 12575

52-1-13.5

Albert & Mary Berlingieri  
432 Bull Road  
Rock Tavern, NY 12575

74-1-12

John & Deborah Morrill  
4 Little Brook Court  
Rock Tavern, NY 12575

52-1-25.22

Lambertus & Susan Roosje  
415 Toleman Road  
Rock Tavern, NY 12575

74-1-13

Katherine Crisafi  
Patricia Wrixon  
2 Little Brook Court  
Rock Tavern, NY 12575





RESULTS OF Z.B.A. MEETING OF: June 11, 2007

PROJECT: Maria Ingerito

ZBA # 07-29

P.B.# \_\_\_\_\_

USE VARIANCE: \_\_\_\_\_ NEED: EAF \_\_\_\_\_ PROXY \_\_\_\_\_

LEAD AGENCY: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

PUBLIC HEARING: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

NEGATIVE DEC: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

APPROVED: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

**ALL VARIANCES - PRELIMINARY APPEARANCE:**

SCHEDULE PUBLIC HEARING: M) Lu S) Lo VOTE: A 4 N 0

~~GANN~~ \_\_\_\_\_  
LUNDSTROM A  
LOCEY A  
TORPEY A  
KANE A

CARRIED: Y ✓ N \_\_\_\_\_

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES \_\_\_\_\_

VARIANCE APPROVED: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

Correct "Maria" on agenda

June 11, 2007



TOTAL CHARGES:





**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**



**APPLICATION FOR VARIANCE**

5/23/2007

Date

Application Type: Use Variance ☒ Area Variance ☒  
Sign Variance ☐ Interpretation ☒

**I. Owner Information:**

Phone Number: (845) 591-5617 (cell)

Philip & Maria Ingenito

Fax Number: (845) 497-2206

(Name)

438 Bull Road, Rock Tavern, NY 12575

(Address)

**II. Applicant:**

Philip & Maria Ingenito (same as above)

Phone Number: ( )

(Name)

Fax Number: ( )

(Address)

**III. Forwarding Address, if any, for return of escrow:**

Phone Number: ( )

Fax Number: ( )

(Name)

(Address)

**IV. Contractor/Engineer/Architect/Surveyor/:**

Phone Number ( )

Fax Number: ( )

Not Yet Available

(Name)

(Address)

**V. Property Information:**

Zone: R-1 ? Property Address in Question: 438 Bull Road, Rock Tavern (New Windsor)

Lot Size: 2.2 acres Tax Map Number: Section 52 Block 1 Lot 13.6

a. What other zones lie within 500 feet?

b. Is pending sale or lease subject to ZBA approval of this Application? No

c. When was property purchased by present owner? 4/1998

d. Has property been subdivided previously? No If so, When: NA

e. Has an Order to Remedy Violation been issued against the property by the  
Building/Zoning/Fire Inspector? No

f. Is there any outside storage at the property now or is any proposed? Shed (CO #639)

**\*\*\*\*PLEASE NOTE:\*\*\*\*\***

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF  
SUBMITTAL.**

**COMPLETE THIS PAGE ☐**

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

**VI. USE VARIANCE:**

Use Variance requested from New Windsor Zoning Local Law,

Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

Describe proposal:

Proposed construction of additional dwelling unit.

---

---

---

---

---

---

---

---

- VII. The legal standard for a "Use Variance" is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the Use Variance is granted. Also state any efforts you have made to alleviate the hardship other than this application.

This dwelling will be solely occupied by elderly parents. The variance is necessary because our parents require additional help in their day to day activities. A hardship will be created for us as well as our elderly parents should the variance be denied.

A search of "mother/daughter" and two family properties was made, with no results which would be acceptable from both a functionality and economic standpoint.

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

**COMPLETE THIS PAGE ☐**

**XII. ADDITIONAL COMMENTS:**

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
- 
- 

**XIII. ATTACHMENTS REQUIRED:**

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
- ☐ One in the amount of \$ 300.00 or 500.00 (escrow)
- ☐ One in the amount of \$ 50.00 or 150.00 (application fee)
- ☐ One in the amount of \$ 25.00 (Public Hearing List Deposit)
- ☐ Photographs of area that variance(s) is/are being requested for showing relationship to property lines (5 or 6) from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)

**XIV. AFFIDAVIT.**

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE )

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

23 day of May 2007.

Maria Ingento  
Owner's Signature (Notarized)

MARIA INGENITO  
Owner's Name (Please Print)

Cheryl L. Canfield  
Signature and Stamp of Notary

\_\_\_\_\_  
Applicant's Signature (If not Owner)

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

CHERYL L. CANFIELD  
Notary Public, State of New York  
Qualified in Orange County  
#01CA6073319  
Commission Expires April 22, 2010

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

**VIII. AREA VARIANCE: (This information will be on your Building Department Disapproval form you receive)**

Area Variance requested from New Windsor Zoning Local Law,

|                     | <u>Requirements</u> | <u>Proposed or Available</u> | <u>Variance Request</u> |
|---------------------|---------------------|------------------------------|-------------------------|
| Min. Lot Area       |                     |                              |                         |
| Min. Lot Width      | 175'                | 150'                         | 25'                     |
| Reqd. Front Yd.     |                     |                              |                         |
| Reqd. Side Yd.      | 20'                 | 16'                          | 4'                      |
| Reqd. Rear Yd.      |                     |                              |                         |
| Reqd. St Front*     |                     |                              |                         |
| Max. Bldg. Hgt.     |                     |                              |                         |
| Min. Floor Area*    |                     |                              |                         |
| Dev. Coverage*      |                     |                              |                         |
| Floor Area Ration** |                     |                              |                         |
| Parking Area        |                     |                              |                         |

\*Residential Districts Only

\*\*Non-Residential Districts Only

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

**COMPLETE THIS PAGE ☐**

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

The granting of this variance will benefit us in that  
we will then be able to properly care for our elderly parents. There would be  
no foreseeable negative conditions created by this approval. The character of this  
neighborhood would not be changed nor would nearby properties be affected.  
There would be no negative physical or environmental conditions created by the  
construction of this apartment.

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

**COMPLETE THIS PAGE ☐**

**OWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

**X. SIGN VARIANCE:**

- (a) Variance requested from New Windsor Zoning Local Law,  
Section \_\_\_\_\_, Supplementary Sign Regulations

|         | <u>Requirements</u> | <u>Proposed<br/>or Available</u> | <u>Variance<br/>Request</u> |
|---------|---------------------|----------------------------------|-----------------------------|
| Sign #1 |                     |                                  |                             |
| Sign #2 |                     |                                  |                             |
| Sign #3 |                     |                                  |                             |
| Sign #4 |                     |                                  |                             |

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversized signs.

---

---

---

---

---

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building and freestanding signs \_\_\_\_\_?

**XI. INTERPRETATION:**

- (a) Interpretation requested of New Windsor Zoning Local Law,  
Section \_\_\_\_\_

- (b) Describe in detail the proposal before the Board:

Proposal is for the construction of an additional dwelling unit to  
be attached to our single family dwelling. This dwelling unit would  
be solely occupied by our elderly parents and would not be utilized  
as a rental unit.

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF  
SUBMITTAL.**

PROJECT I.D. NUMBER

617.21

SEQR

## Appendix C

State Environmental Quality Review  
**SHORT ENVIRONMENTAL ASSESSMENT FORM**  
 For UNLISTED ACTIONS Only

**PART I—PROJECT INFORMATION** (To be completed by Applicant or Project sponsor)

|  |  |                 |                 |
|--|--|-----------------|-----------------|
| 1. APPLICANT /SPONSOR<br>PHILIP & MARIA INGENITO   |  | 2. PROJECT NAME |                 |
| 3. PROJECT LOCATION:<br>Municipality NEW WINDSOR County ORANGE   |  |                 |                 |
| 4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)<br><br>438 BULL ROAD, ROCK TAVERN, NY 12575 (t/o New Windsor)<br>1/2 Mile South of Route 207.   |  |                 |                 |
| 5. IS PROPOSED ACTION:<br><input type="checkbox"/> New <input checked="" type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration  |  |                 |                 |
| 6. DESCRIBE PROJECT BRIEFLY:<br><br>ADDITION OF 2nd DWELLING UNIT FOR USE BY ELDERLY PARENTS   |  |                 |                 |
| 7. AMOUNT OF LAND AFFECTED:<br>Initially _____ acres Ultimately _____ acres  |  |                 |                 |
| 8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS?<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly<br><br>USE VARIANCE, AREA VARIANCE REQUIRED  |  |                 |                 |
| 9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT?<br><input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other<br>Describe:<br><br>SINGLE FAMILY RESIDENTIAL |  |                 |                 |
| 10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)?<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency(s) and permit/approvals  |  |                 |                 |
| 11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL?<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval   |  |                 |                 |
| 12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION?<br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  |  |                 |                 |
| I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE  |  |                 |                 |
| Applicant/sponsor name: MARIA INGENITO   |  |                 | Date: 5/25/2007 |
| Signature: _____   |  |                 |                 |

If the action is in the Coastal Area, and you are a state agency, complete the  
 Coastal Assessment Form before proceeding with this assessment

OVER

**PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)**

|  |  |
|--|--|
| <p>A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? If yes, coordinate the review process and use the FULL EAF.</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>   |  |
| <p>B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.8? If No, a negative declaration may be superseded by another involved agency.</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>  |  |
| <p>C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)</p> <p>C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:</p> <p>C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:</p> <p>C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:</p> <p>C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:</p> <p>C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:</p> <p>C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:</p> <p>C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:</p> |  |
| <p>D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, explain briefly</p>  |  |

**PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

☐ Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

☐ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:

\_\_\_\_\_  
Name of Lead Agency

\_\_\_\_\_  
Print or Type Name of Responsible Officer in Lead Agency

\_\_\_\_\_  
Title of Responsible Officer

\_\_\_\_\_  
Signature of Responsible Officer in Lead Agency

\_\_\_\_\_  
Signature of Preparer (If different from responsible officer)

\_\_\_\_\_  
Date